

REMARKS

Claims 1–8, 10, and 11 are pending. Claim 1–8, 10, and 11 are amended. Claims 9, 12, and 13–23 were previously canceled. Claims 13–23 were previously withdrawn as the result of an earlier restriction requirement. Claim 1 is independent.

1. Support for Claim Amendments

1.1. Support for the claim amendments can be found in the original specification at least on pages 16 and 17; and in FIG. 4. Therefore, the amendments do not constitute new matter.

2. Rejections under 35 U.S.C. §101—Claims 1–8, 10, and 11

2.1. The Examiner has rejected claims 1–8, 10, and 11 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse and submit that the claims, both in their original form and as presently amended, satisfy all requirements under 35 U.S.C. §101.

2.2. Specifically regarding independent claim 1, Applicants submit that the claim positively recites the machine to which it is tied: the source computer which performs the surveying, the receivings, the presenting, and the providing. Accordingly, independent claim 1 and its dependent claims 2–8, 10, and 11 are directed to statutory subject matter. Therefore Applicants respectfully request that the Examiner withdraw the rejection.

3. Rejections under 35 U.S.C. §103—Claims 1–6, 8, 10, and 11

3.1. The Examiner has rejected **claims 1–6, 8, 10, and 11** under 35 U.S.C. §103(a) as being unpatentable over Harrisville–Wolff (US 2003/0041130) (“Wolff”) in view of Selitrennikoff (US 6,301,612). Applicants respectfully traverse for at least the following reasons.

3.2. Regarding independent **claim 1**, the claim encompasses *inventorying a user’s computer and predicting, based on the inventory, hardware or software upgrades that may be of interest to the user, and presenting the predictions to the user as options for a new computer*. But both Wolff and Selitrennikoff are completely silent regarding such *predicting and presenting*. Instead, Wolff is directed to *patching and upgrading an existing computer* (para [0048], Abstract), and Selitrennikoff is directed to *identifying new and replacement clients computers on a network* (Abstract). Accordingly, Wolff and Selitrennikoff, considered separately and in combination, fail to disclose or suggest “predicting, based on the inventory, other hardware or other software that is potentially of interest to the user” and “presenting, to the user by the source computer, options for the new computer, wherein the options include pricing and available configurations of the new computer and available upgrades relative to the source computer, wherein the available upgrades comprise the predicted other hardware or other software”, as recited in **claim 1**. Therefore, Applicants respectfully traverse and request that the Examiner withdraw the rejection.

3.4. Regarding claims 2-7, 8, 10, and 11, these claims depend from allowable claim 1 and are therefore likewise allowable for at least the same reasons. Therefore, Applicants respectfully traverse and request that the Examiner withdraw the rejection.

4. Rejections under 35 U.S.C. §103—Claim 7

4.1. The Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Harrisville-Wolff (US 2003/0041130) ("Wolff") in view of Selitrennikoff (US 6,301,612) and Fawcett (6,073,214). Applicants respectfully traverse and submit that Fawcett fails to overcome the deficiencies of Wolff and Selitrennikoff with respect to claim 1, from which claim 7 depends. Accordingly, claim 7 is allowable over Wolff, Selitrennikoff, and Fawcett for at least the same reasons discussed herein above with respect to claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the rejection.

CONCLUSION

Accordingly, in view of the above Amendments and Remarks it is submitted that the claims are patentably distinct over any cited art and that all the rejections to the claims have been overcome. Based on the foregoing, Applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

Amendment Responsive to 6-10-2010 Office Action
Application Number: 10/731,571
Attorney Docket Number: 317071.01

AMENDMENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time.

Respectfully submitted,

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Date: 8-24-2010

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